

Subpart F—Survivors; Payments and Offsets; Overpayments

SURVIVORS

§ 30.500 What special statutory definitions apply to survivors under the EEOICPA?

For the purposes of paying compensation to survivors, EEOICPA applies the following definitions:

(a) *Surviving spouse* means the wife or husband of a deceased covered employee who was married to that individual for at least one year immediately before the death of that individual.

(b) *Child or children* includes a recognized natural child of a deceased covered employee, a stepchild who lived with that individual in a regular parent-child relationship, and an adopted child of that individual.

(c) *Parent* includes fathers and mothers of a deceased covered employee through adoption.

(d) *Grandchild* means a child of a child of a deceased covered employee.

(e) *Grandparent* means a parent of a parent of a deceased covered employee.

§ 30.501 What order of precedence will OWCP use to determine which survivors are entitled to receive compensation under the EEOICPA?

If OWCP determines that a survivor or survivors are entitled to receive compensation under the EEOICPA because a covered employee who would otherwise have been entitled to benefits is deceased, that compensation will be disbursed as follows, subject to the qualifications set forth in § 30.5(ee)(2) of these regulations:

(a) If there is a surviving spouse, the compensation shall be paid to that individual.

(b) If there is no surviving spouse, the compensation shall be paid in equal shares to all children of the deceased covered employee.

(c) If there is no surviving spouse and no children, the compensation shall be paid in equal shares to the parents of the deceased covered employee.

(d) If there is no surviving spouse, no children and no parents, the compensation shall be paid in equal shares to all grandchildren of the deceased covered employee.

(e) If there is no surviving spouse, no children, no parents and no grandchildren, the compensation shall be paid in equal shares to the grandparents of the deceased covered employee.

(f) Notwithstanding the other paragraphs of this section, if there is a surviving spouse and at least one child of the deceased covered employee who is a minor at the time of payment and who is not a recognized natural child or adopted child of such surviving spouse, half of the compensation shall be paid to the surviving spouse, and the other half of the compensation shall be paid in equal shares to each child of the deceased covered employee who is a minor at the time of payment.

§ 30.502 When is entitlement for survivors determined for purposes of the EEOICPA?

Entitlement to any lump-sum payment for survivors under the EEOICPA will be determined as of the time OWCP makes such a payment.

PAYMENT OF CLAIMS AND OFFSET FOR CERTAIN PAYMENTS

§ 30.505 What procedures will OWCP follow before it pays any compensation?

(a) In cases involving the approval of a claim, OWCP shall take all necessary steps to determine the amount of any offset of EEOICPA benefits, and to verify the identity of the covered employee or the eligible surviving beneficiary or beneficiaries. To perform these tasks, OWCP may conduct any investigation, require any claimant to provide or execute any affidavit, record or document, or authorize the release of any information as OWCP deems necessary to ensure that the compensation payment is made in the correct amount and to the correct person or persons. OWCP shall also require every claimant to execute and provide any necessary affidavit described in § 30.620 of these regulations. Should a claimant fail or refuse to execute an affidavit or release of information, or fail or refuse to provide a requested record or document or to provide access to information, such failure or refusal may be deemed to be a rejection of the payment, unless the claimant does not